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25 Attorneys for Defendant
26 WIRELESS LIFESTYLE, INC.

27 IN THE UNITED STATES DISTRICT COURT

28 FOR THE NORTHERN DISTRICT OF CALIFORNIA

29 YASMIN MARTINEZ, individually and on
30 behalf of other persons similarly situated,

31 Plaintiff,

32 vs.

33 WIRELESS LIFESTYLE, INC.; and DOES
34 1 through 10,

35 Defendant.

36 No. 3:11-cv-05132-CRB

37 CLASS ACTION

38 **STIPULATION & [PROPOSED ORDER]
39 TO CONTINUE ORAL ARGUMENT AND
40 STAY THIS COURT'S RULING ON
41 PLAINTIFF'S MOTION FOR REMAND
42 UNTIL JUNE 15, 2012**

43 Date Filed: September 19, 2011

44 Removal: October 19, 2011

45 Trial Date: None

46 JUDGE: HON. CHARLES R. BREYER

1 This Stipulation and [proposed] Order is entered into by Plaintiffs YASMIN MARTINEZ
 2 ("Plaintiff") and Defendant WIRELESS LIFESTYLE, INC. ("Defendant") (hereinafter the
 3 "Parties") as follows:

4 WHEREAS, on September 19, 2011, Plaintiffs filed the instant proposed wage and hour
 5 class action against Defendant;

6 WHEREAS, on October 19, 2011, Defendant removed the instant action on the grounds that
 7 this Court had original federal jurisdiction under 28 U.S.C. § 1332;

8 WHEREAS, Plaintiffs filed a *Motion to Remand* on November 1, 2011, and a decision on
 9 that Motion is currently pending;

10 WHEREAS oral argument on *Plaintiffs' Motion to Remand* was stayed pending the
 11 resolution of Wireless Lifestyle's motion to transfer to a multi-district litigation ("MDL") for
 12 centralized pretrial proceedings;

13 WHEREAS oral argument on *Plaintiffs' Motion to Remand* has not yet been re-scheduled;

14 WHEREAS the Parties have agreed to engage in a global mediation that, in addition to the
 15 Parties to the instant Action, also includes the plaintiffs in the following three putative wage and
 16 hour actions pending against Defendant in various judicial districts in California and Missouri:

17 *Frazier v. Wireless Lifestyle, Inc.*, 3:11-cv-05192-MMC; *Coleman v. Wireless Lifestyle Inc.*, 5:11-
 18 cv-01727-RGK-AJW; *White v. Pasha Distribution Corp.*, 4:11-cv-00975-ODS;

19 WHEREAS the Parties have agreed to use their best efforts to complete mediation no later
 20 than May 24, 2012;

21 WHEREAS the Parties shall promptly notify this Court after the conclusion of the
 22 mediation whether a settlement was reached;

23 WHEREAS the instant Stipulation is contingent upon the occurrence of the mediation set
 24 forth herein, the Parties reserve the right to request that the Court reset a hearing on *Plaintiffs'*
 25 *Motion to Remand* for a date earlier than June 15, 2012 in the event that the anticipated mediation
 26 does not occur;

27 IT IS HEREBY STIPULATED that the Court enter an order continuing oral argument and
 28 staying a ruling on Plaintiffs' Motion to Remand until June 15, 2012.

1 Dated: February 28, 2012

2 By: /s/ Gregory N. Karasik
3 Gregory N. Karasik

4 *Attorneys for Plaintiff
Yasmin Martinez*

5
6 Dated: February 28, 2012

7 SNR DENTON US LLP

8 By: /s/ Marie Leggon Wrighten
9 Marie Leggon Wrighten

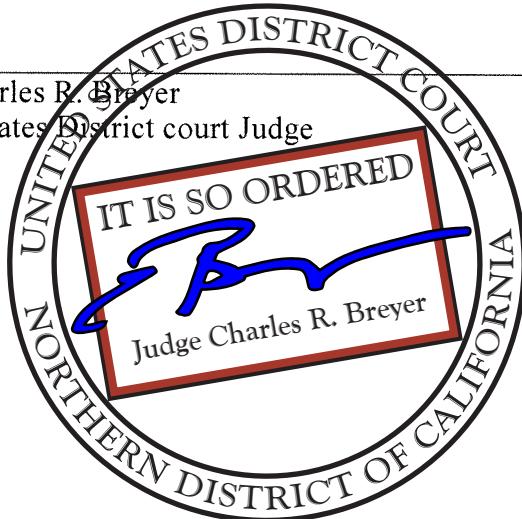
10 *Attorneys for Defendant
Wireless Lifestyle, Inc.*

11 **[PROPOSED] ORDER**

12 The Court, having considered the stipulation of the Parties, hereby orders the matter shall be
13 continued until June 15, 2012 and that a ruling on Plaintiffs' Motion shall issue after that date.

14
15 Dated: February 29, 2012

16 Hon. Charles R. Breyer
17 United States District court Judge



PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action; my business address is 601 S. Figueroa Street, Suite 2500, Los Angeles, California 90017.

I hereby certify that on February 28, 2012, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following parties:

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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 28, 2012 at Los Angeles, California.

 JoAn Mack

JoAn Mack